

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: Nicole Y Harper

Case No.: 15-33193

Judge: JKS

Debtor(s) Chapter: 13

CHAPTER 13 PLAN AND MOTIONS

☐ Original☒ Motions Included☒ Modified/Notice Required☐ Modified/No Notice Required☒ Discharge Sought☐ No Discharge Sought

Date: June 29, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay a total of \$33,278.53 to the Chapter 13 Trustee from January 2016 through June 2017 (18 months); the Debtor shall pay \$1,000.00 monthly starting July 2017 for approximately 18 months. The total length of Plan is approximately 36 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:



Future Earnings



Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property
Description:
Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property
Description: **88 Whittlesy Ave.
West Orange, NJ**
Proposed date for completion: **June 16, 2017 or as extended by
the Court**

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$-----to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Scott E. Tanne	Attorney Fees	2,477.18 (already paid in full)
Scott E. Tanne	Attorney Fees	estimated at 1,500.00, subject to Court approval
Internal Revenue Service	Taxes and certain other debts	0.00
State of New Jersey Division of Taxation	Taxes and certain other debts	0.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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ASC	88 Whittlesey Ave. West Orange, NJ	107,412.98		remaining arrears to be cured through loan modification (27,516.33 has been paid to date, no further disbursements shall be made)	payments of \$2,721.71 to be made per trial period plan, subsequent payments to be made per permanent modification
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b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:
 ___ Not less than \$___ to be distributed *pro rata*

___ x ___ Not less than 100 percent

___ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
JW Pierson Co.	88 Whittlesey Ave West Orange, NJ 07052 Essex County	Judgment Lien	2,591.37	220,000.00	0.00	329,911.10	ALL

b. **Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
JW Pierson Co.	88 Whittlesey Ave, West Orange, NJ 07052	ALL

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: **February 3, 2016**

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
Debtor has been approved for a trial period modification, which upon permanent approval will eliminate the arrearage.	changing treatment of mortgage company as a result of trial period approval, reducing length of plan
Are Schedules I and J being filed simultaneously with this modified Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date June 29, 2017 /s/ Scott E. Tanne
Scott E. Tanne st2477
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: June 29, 2017 /s/ Nicole Y Harper
Nicole Y Harper
Debtor

Date: _____
Joint Debtor

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Nicole Y Harper
 Debtor

Case No. 15-33193-JKS
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 41

Date Rcvd: Jul 10, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 12, 2017.

db +Nicole Y Harper, 88 Whittlesey Ave, West Orange, NJ 07052-6031
 cr +DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE F, Phelan Hallinan & Schmieg, PC,
 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
 515898363 +Americas Servicing Co/Wells Fargo Home M, 8480 Stagecoach Circle, Frederick, MD 21701-4747
 515898362 +Americas Servicing Co/Wells Fargo Home M, 1000 Blue Gentian Rd. #300, Mac #X7801-02k,
 Eagan, MN 55121-1786
 515898365 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One, Po Box 85015, Richmond, VA 23285)
 515898364 +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 515971974 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 516091685 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern, PA 19355-0701
 515898367 +Chase Card Services, 201 N. Walnut St//Del-1027, Wilmington, DE 19801-2920
 515898366 +Chase Card Services, Attn: Correspondence Dept, Po Box 15298, Wilmington, DE 19850-5298
 515898369 +Comenity Bank/New York & Company, 220 W Schrock Rd, Westerville, OH 43081-2873
 515898368 +Comenity Bank/New York & Company, Po Box 182125, Columbus, OH 43218-2125
 516124613 +DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE F, ATTENTION: BANKRUPTCY DEPARTMENT,
 MAC# D3347-014, 3476 STATEVIEW BLVD., FT. MILL, SC 29715-7203
 515898370 +Equifax, PO BOX 740241, Atlanta, GA 30374-0241
 515898371 +Experian, PO BOX 9701, Allen, TX 75013-9701
 515898372 +JW Pierson Co., 89 Dodd St, East Oange, NJ 07017-3221
 515922940 +JW Pierson Co., Ralph A. Greico, P.A., 758 Morris Turnpike, POB 505,
 Short Hills, NJ 07078-0505
 515986347 +Midland Credit Management Inc as agent for, MIDLAND FUNDING LLC, PO Box 2011,
 Warren MI 48090-2011
 516008007 +Phelan, Hallinan, Diamond & Jones, P.C, 400 Fellowship Road, Suite 100,
 Mount Laurel, NJ 08054-3437
 515898375 +Ralph A. Grieco, P.A., 758 Morris Turnpike, P.O Box 505, Short Hills, NJ 07078-0505
 516454299 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,
 Highlands Ranch, Colorado 80129-2386
 516454300 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 8012,
 Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,
 Highlands Ranch, Colorado 80129-2386
 516008006 +State of New Jersey Division of Taxation, P.O Box 187, Trenton, NJ 08695-0187
 515898382 +Tnb-Visa (TV) / Target, C/O Financial & Retail Services, Mailstop BV PO Box 9475,
 Minneapolis, MN 55440-9475
 515898383 +Tnb-Visa (TV) / Target, Po Box 673, Minneapolis, MN 55440-0673
 515898384 +Trans Union, PO BOX 2000, Chester, PA 19022-2000
 515898385 +Us Bank, 200 Gibraltar Rd Ste 315, Horsham, PA 19044-2325

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 10 2017 23:25:57 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 10 2017 23:25:55 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516008005 E-mail/Text: cio.bncmail@irs.gov Jul 10 2017 23:25:35 Internal Revenue Service,
 P.O Box 7346, Philadelphia, PA 19101-7346
 515898374 +E-mail/Text: bnckohlsnotices@becket-lee.com Jul 10 2017 23:25:25 Kohls/Capital One,
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-5660
 515898373 +E-mail/Text: bnckohlsnotices@becket-lee.com Jul 10 2017 23:25:25 Kohls/Capital One,
 Po Box 3120, Milwaukee, WI 53201-3120
 516124265 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 10 2017 23:28:33
 Portfolio Recovery Associates, LLC, c/o Gymboree, POB 41067, Norfolk VA 23541
 515965712 E-mail/Text: bnc-quantum@quantum3group.com Jul 10 2017 23:25:51
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 515898377 +E-mail/PDF: gecsedirecoverycorp.com Jul 10 2017 23:28:46 Synch/plcc, Po Box 965024,
 Orlando, FL 32896-5024
 515898376 +E-mail/PDF: gecsedirecoverycorp.com Jul 10 2017 23:28:46 Synch/plcc, Attn: Bankruptcy,
 Po Box 103104, Roswell, GA 30076-9104
 515898378 +E-mail/PDF: gecsedirecoverycorp.com Jul 10 2017 23:28:26 Synchrony Bank/ JC Penneys,
 Attn: Bankruptcy, Po Box 103104, Roswell, GA 30076-9104
 515898379 +E-mail/PDF: gecsedirecoverycorp.com Jul 10 2017 23:28:47 Synchrony Bank/ JC Penneys,
 Po Box 965007, Orlando, FL 32896-5007
 515898381 +E-mail/PDF: gecsedirecoverycorp.com Jul 10 2017 23:28:05 Synchrony Bank/Care Credit,
 950 Forrer Blvd, Kettering, OH 45420-1469
 515898380 +E-mail/PDF: gecsedirecoverycorp.com Jul 10 2017 23:28:27 Synchrony Bank/Care Credit,
 Attn: bankruptcy, Po Box 103104, Roswell, GA 30076-9104
 516122119 +E-mail/Text: bncmail@w-legal.com Jul 10 2017 23:26:02 TD Bank USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 TOTAL: 14

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 41

Date Rcvd: Jul 10, 2017

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 12, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 7, 2017 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR
HSI ASSET SECURITIZATION CORPORATION TRUST 2006-WMC1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
2006-WMC1 nj.bkecf@fedphe.com
Denise E. Carlon on behalf of Creditor Deutsche Bank National Trust Trust Company, as Trustee
for HSI Asset Securitization Corporation Trust 2006-WMC1, Mortgage Pass-Through Certificates,
Series 2006-WMC1 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
John D. Krohn on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR HSI
ASSET SECURITIZATION CORPORATION TRUST 2006-WMC1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
2006-WMC1 nj.bkecf@fedphe.com
Marie-Ann Greenberg magecf@magtrustee.com
Michael Frederick Dingerdissen on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS
TRUSTEE FOR HSI ASSET SECURITIZATION CORPORATION TRUST 2006-WMC1, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-WMC1 nj.bkecf@fedphe.com
Nicholas V. Rogers on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR
HSI ASSET SECURITIZATION CORPORATION TRUST 2006-WMC1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
2006-WMC1 nj.bkecf@fedphe.com
Scott E. Tanne on behalf of Debtor Nicole Y Harper info@tannelaw.com, clerk@tannelaw.com
TOTAL: 7